

# EXHIBIT A

CAUSE NO. 24-17982

IN RE: § IN THE 216<sup>TH</sup> DISTRICT COURT OF  
CREATE HEALTHY FOUNDATION § GILLESPIE COUNTY, TEXAS

ORIGINAL PETITION FOR MODIFICATION OF  
RESTRICTIONS ON PURPOSE OF INSTITUTIONAL FUNDS

TO THE HONORABLE JUDGE OF SAID COURT:

Create Healthy Foundation files this petition and respectfully shows unto the Court as follows:

Introductory Statements required by law

1. Pursuant to Texas Rule of Civil Procedure 47, Plaintiff seeks only non-monetary declaratory relief as provided by Chapter 37 of the Texas Civil Practice & Remedies Code.

Parties

2. Petitioner is a nonprofit corporation duly organized and existing under the laws of the State of Texas, with its principal office in Fredericksburg, Gillespie County, Texas.

Jurisdiction and Venue

3. This Court has jurisdiction to grant the relief requested in this Petition pursuant to Section 112.054, Section 115.001 and Section 163.007 of the Texas Property Code.

4. Venue of this proceeding is proper in Gillespie County, Texas pursuant to Section 115.002(c) of the Texas Property Code.

Factual Background

5. Create Healthy Foundation (formerly The Hill Country Memorial Hospital Foundation, Inc.) (the "Foundation") was formed as a nonprofit corporation on October 27, 1989. The Foundation was originally formed to operate exclusively for the benefit of the Hill Country Memorial Hospital of Fredericksburg, Texas, which was also a nonprofit corporation. The Foundation had the authority to receive and maintain a fund or funds of real and personal property, or both, and use and apply the whole or any part of the income therefrom and the principal thereof exclusively for the purpose of improving the services of the Hill Country Memorial Hospital, Fredericksburg, Texas through modernizing or expanding the facilities, equipment and services of

the Hill Country Memorial Hospital. In 2010, the Articles of Incorporation of the Foundation were amended to allow the Foundation to also support Hill Country Memorial Hospital's related nonprofit entities.

6. Effective April 1, 2023, Hill Country Memorial Hospital and its related nonprofit entities sold to Methodist Healthcare System of San Antonio, Ltd., L.L.P., certain assets related to the operation of its licensed hospital and other healthcare entities. As of that date, Hill Country Memorial Hospital no longer operated a hospital, physician practice, hospice or home health agency. It continues to operate a fitness/wellness center and thrift store. Hill Country Memorial Hospital filed an Amended and Restated Certificate of Formation effective June 9, 2023, changing its name to "Create Healthy Management" and revising its purposes to be as follows:

- (a) to deliver and promote improved health care through the support of healthcare programs and facilities in its service area of Gillespie County and the surrounding communities;
- (b) to develop, maintain and make available healthcare education and other health resources in its service area;
- (c) to enhance access to healthcare, with particular concern for those least served;
- (d) to provide such services and programs free from discrimination on the basis of race, color, creed, national origin, or sex (including gender identity and sexual orientation);
- (e) to invest its assets to generate income to carry out its charitable purposes;
- (f) to undertake any other actions in furtherance of or incident to the above purposes; and
- (g) to take any other actions as may be permitted under the Texas Nonprofit Corporation Law and the Texas Business Organization Code to the extent as applicable, as now or hereafter in effect.

A copy of Hill Country Memorial Hospital's Amended and Restated Certificate of Formation is attached as Exhibit A.

7. Effective June 9, 2023, the Foundation also filed an Amended and Restated Certificate of Formation changing its name from "The Hill Country Memorial Foundation, Inc." to "Create Healthy Foundation" and revising its purposes to be as follows:

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Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

- (a) to deliver and promote improved health care through the support of healthcare programs and facilities in its service area of Gillespie County and the surrounding communities;
- (b) to develop, maintain and make available healthcare education and other health resources in its service area;
- (c) to enhance access to healthcare, with particular concern for those least served;
- (d) to provide such services and programs free from discrimination on the basis of race, color, creed, national origin, or sex (including gender identity and sexual orientation);
- (e) to invest its assets to generate income to carry out its charitable purposes;
- (f) to undertake any other actions in furtherance of or incident to the above purposes; and
- (g) to take any other actions as may be permitted under the Texas Nonprofit Corporation Law and the Texas Business Organization Code to the extent as applicable, as now or hereafter in effect.

A copy of the Foundation's Amended and Restated Certificate of Formation is attached as Exhibit B.

8. Since its formation in 1989, the Foundation has received and administered donations to effectuate its charitable purposes. Some of those donations are subject to restrictions by the donors which are now impracticable or impossible to achieve due to the fact that the Foundation's supported organization, Create Healthy Management, no longer owns or operates a hospital or other healthcare entity. A list of these restricted donations is attached as Exhibit C ("Restricted Donations").

9. The Uniform Prudent Management of Institutional Funds Act (UPMIFA) authorizes a court, upon application of an institution, to modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful or if, because of circumstances not anticipated by the donor, a modification of the restriction will further the purposes of the fund. TEX. PROP. CODE, Sec. 163.007. To the extent practicable, any modification must be made in accordance with the donor's probable intention. Id. As a nonprofit corporation organized and operated exclusively for

charitable purposes, the Foundation is an institution subject to the UPMIFA, and the funds held by the Foundation exclusively for charitable purposes are an institutional fund.

10. To the extent that the Foundation or any Restricted Donation may be considered a charitable trust, Section 112.054(a) of the Texas Property Code also authorizes a court to modify the terms of a trust if (1) the purposes of the trust have become impossible to fulfill or (2) because of circumstances not known to or anticipated by the settlor, the order will further the purpose of the trust. The court shall exercise its discretion to order a modification in the manner that conforms as nearly as possible to the probable intention of the settlor. TEX. PROP. CODE, Sec. 112.054(b).

11. To the extent that any donors placed restrictions on their donations limiting the use of funds to support specifically various purchases by or activities at Hill Country Memorial Hospital, those purposes are now impracticable or impossible to fulfill. Further, to the extent that donors gave unrestricted gifts to the Foundation when the purpose of the Foundation was to support Hill Country Memorial Hospital in general, that purpose is also now impracticable or impossible to fulfill, and the stated purposes of the Foundation have been changed to a more general mission of supporting healthcare in Gillespie County and its surrounding communities. However, these restricted and unrestricted donations reflect the donors' intent to support healthcare activities, healthcare education, and health resources in Gillespie County and its surrounding communities, all of which are charitable purposes of Create Healthy Foundation and Create Healthy Management.

12. It would be impracticable or impossible for the Foundation to continue to support the former Hill Country Memorial Hospital facility, known now as Methodist Hospital Hill Country. Methodist Hospital Hill Country is owned by Methodist Healthcare System of San Antonio, Ltd., L.L.P., an equal partnership between Methodist Healthcare Ministries (a nonprofit corporation and tax-exempt organization) and Hospital Corporation of America (a publicly held for-profit corporation). Methodist Hospital Hill Country is not a charitable foundation, nor does the hospital maintain a charitable foundation. Additionally, Methodist Hospital Hill Country does not solicit charitable gifts. It would be impermissible and a violation of IRS regulations to provide charitable funds to Methodist Hospital Hill Country because those funds would benefit a for-profit corporation, Hospital Corporation of America, which is not a tax-exempt entity.

13. The Foundation remains the most appropriate vehicle to receive, invest and disperse the assets entrusted to it. The Foundation is overseen by a volunteer Board of Directors with seven

members, four of whom previously served on the Hospital's Board of Directors and three of whom served on the Foundation's Board of Directors prior to the sale of the Hospital. Most of the directors are long-term residents of Gillespie County. The Foundation has experienced staff and the Board leadership necessary to continue to invest and disperse assets for health care related purposes.

14. The Foundation asks this Court to modify the restrictions on the Restricted Donations to permit them to be used in support of the charitable purposes of the Foundation as stated in the Foundation's Amended and Restated Certificate of Formation and as more fully described in the attached Exhibit C. The Foundation further asks this Court to approve the use of unrestricted donations to the Foundation made prior to June 6, 2023, for the charitable purposes stated in the Foundation's Amended and Restated Certificate of Formation. A list of the unrestricted donations is attached as Exhibit D.

15. Additionally, the Foundation expects to continue to receive gifts and bequests for an indefinite period of time to be used for the benefit of the "hospital" or "Hill County Memorial Hospital." Certain of those gifts or bequests may be unrestricted, and certain gifts and bequests may contain multiple restrictions or limitations. The Foundation requests that the Court grant the Foundation, through its Board of Directors, the authority and discretion to modify any restriction that limits the use of gifts or bequests to benefit the "hospital" or to "Hill Country Memorial Hospital" or any facility or service of "Hill Country Memorial Hospital" to permit the Foundation to use the gift or bequest to benefit health and wellness activities in Gillespie County and the surrounding communities while maintaining the original intent of the donor to the extent possible and practical. The Foundation shall return to the Court for instructions when a restriction or limitation is impossible to modify in a way that maintains the generally understood original intent of the donor.

**Conditions Precedent; Notice to Attorney General**

16. All conditions precedent have been performed or have occurred. TEX.R.CIV.P. 54.

17. Petitioner will give notice of this proceeding to the Attorney General of the State of Texas as required by Chapter 123 of the Texas Property Code.

**Count 1: Declaratory Judgment**

18. Petitioner re-alleges ¶¶6-17 as if fully set forth herein.

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Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

19. Petitioner is entitled to declaratory relief pursuant to the Texas Uniform Declaratory Judgment Act (“UDJA”) and §37.001 *et seq.* of the Texas Civil Practices and Remedies Code.

20. Petitioner is a legal person having an interest in the matters set forth herein that would be affected by the declarations sought herein, as provided under §37.006(a) of the UDJA. Petitioner holds the Restricted Donations in its institutional funds.

21. Petitioner seeks declarations and specific orders from this Court, that:

- a. The restrictions placed on the Restricted Donations be modified to permit the Restricted Donations to be used for the charitable purposes of Create Healthy Foundation, including as further described in the attached Exhibit C;
- b. The Court approve the use of unrestricted donations to the Foundation made prior to June 6, 2023, for the charitable purposes stated in the Foundation’s Amended and Restated Certificate of Formation; and
- c. The Court grant the Foundation, through its Board of Directors, the authority and discretion to modify any restriction that limits the use of gifts or bequests to benefit the “hospital” or to “Hill Country Memorial Hospital” or any facility or service of “Hill Country Memorial Hospital” to permit the Foundation to use the gift or bequest to benefit health and wellness activities in Gillespie County and the surrounding communities while maintaining the original intent of the donor to the extent possible and practical.

**Prayer for Relief**

WHEREFORE, Petitioner asks that the Court modify the terms of any Restricted Donations as requested hereinabove and that the Court enter such other and further relief, at law or in equity, to which Petitioner may show itself justly entitled.

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

Respectfully submitted,

**ANGLEY & BANACK, INC.**

By: /s/ Taylor Williams

**N. TAYLOR WILLIAMS**

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twilliams@langleybanack.com

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**ATTORNEYS FOR PETITIONER**

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

**EXHIBIT A**

**AMENDED AND RESTATED CERTIFICATE OF FORMATION  
OF CREATE HEALTHY MANAGEMENT  
fka HILL COUNTRY MEMORIAL HOSPITAL**

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Filed 9/30/2024 4:25 PM  
Jane Nelson Jan Davis  
Secretary of State District Clerk  
Gillespie County, Texas  
By Elaine Stewart

## Office of the Secretary of State

### CERTIFICATE OF FILING OF

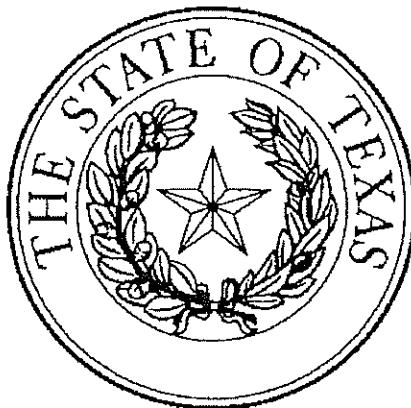
Create Healthy Management  
22997201

The undersigned, as Secretary of State of Texas, hereby certifies that a Restated Certificate of Formation for the above named domestic nonprofit corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 06/09/2023

Effective: 06/09/2023



A handwritten signature of Jane Nelson.

Jane Nelson  
Secretary of State

**AMENDED AND RESTATED CERTIFICATE OF FORMATION  
(WITH NEW AMENDMENTS)  
OF  
CREATE HEALTHY MANAGEMENT**

Create Healthy Management, a Texas nonprofit corporation (the "Corporation"), by and through the undersigned authorized officer, adopts the following in accordance with Sections 3.057 through 3.059 of the Texas Business Organizations Code (the "TBOC"):

1. The name of the filing entity is Create Healthy Management, a Texas non-profit corporation.

2. The Corporation was formed as a nonprofit corporation on December 7, 1966 and issued file number 22997201 by the Secretary of State of the State of Texas (the "Secretary of State").

3. This document amends and restates the entire Certificate of Formation of the Corporation, referred to herein as the "Certificate of Formation," and as further amended as set forth herein.

4. The full text of each added or amended provision of the Certificate of Formation is contained in the Amended and Restated Certificate of Formation attached hereto as Exhibit A.

5. Each new amendment to the Certificate of Formation effected by this document has been made in accordance with the provisions of the TBOC. The amendments have been approved in the manner required by the TBOC and by the governing documents of the Corporation.

6. The Amended and Restated Certificate of Formation, which is attached to this document, accurately states the text of the Certificate of Formation and each amendment to the Certificate of Formation that is in effect, and as further amended by this document. The attached Amended and Restated Certificate of Formation does not contain any other change in the Certificate of Formation except for the information permitted to be omitted by the provisions of the TBOC applicable to the Corporation. The Certificate of Formation of the Corporation and all amendments and supplements thereto are hereby superseded by the Amended and Restated Certificate of Formation attached hereto.

7. This document becomes effective when the document is filed by the secretary of state.

*[remainder of page intentionally left blank]*

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

The undersigned affirms that the person designated as registered agent in the Amended and Restated Certificate of Formation has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the Corporation to execute this document.

Date: June 9, 2023.

CREATE HEALTHY MANAGEMENT,  
a Texas nonprofit corporation

By: Jenny Wieser

Printed Name: Jenny Wieser

Its: Chairwoman

## EXHIBIT A

### AMENDED AND RESTATED CERTIFICATE OF FORMATION OF CREATE HEALTHY MANAGEMENT

#### ARTICLE I

The name of the Corporation is: Create Healthy Management (the "Corporation").

#### ARTICLE II

The Corporation is a nonprofit corporation.

#### ARTICLE III

The period of duration of the Corporation shall be perpetual.

#### ARTICLE IV

**Section 4.1** The Corporation is organized and operated exclusively for religious, charitable, scientific, and education purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as subsequently amended (the "Code"). The Corporation is organized and shall be operated to carry on all or any of the following purposes: (a) to deliver and promote improved health care through the support of healthcare programs and facilities in its service area of Gillespie County and the surrounding communities; (b) to develop, maintain and make available healthcare education and other health resources in its service area; (c) to enhance access to healthcare, with particular concern for those least served; (d) to provide such services and programs free from discrimination on the basis of race, color, creed, national origin, or sex (including gender identity and sexual orientation); (e) to invest its assets to generate income to carry out its charitable purposes; (f) to undertake any other actions in furtherance of or incident to the above purposes; and (g) to take any other actions as may be permitted under the Texas Nonprofit Corporation Law and the Texas Business Organization Code to the extent as applicable, as now or hereafter in effect. No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to any private person, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth below. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of the candidate for public office. Notwithstanding any other provision of this Certificate of Formation, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contribution to which are deductible under Section 170(c)(2) of the Code.

**Section 4.2** Nothing contained in this Article shall be construed as limiting the powers conferred upon the Corporation by the Texas Business Organizations Code (the "Act"). The Corporation, in order to carry out its purposes, shall have all the powers set out in the Act.

## ARTICLE V

The street address of the Corporation's registered agent is 200 West Windcrest, Fredericksburg, Texas 78624, and the name of the registered agent at such address is Jayne Pope.

## ARTICLE VI

The Corporation shall have no members.

## ARTICLE VII

Except as otherwise provided herein these and in the Bylaws of the Corporation, the day-to-day operation and financial management of the affairs of the Corporation shall be vested in a Board of Directors.

## ARTICLE VIII

In the event of dissolution of the Corporation, all of the assets, after payment of corporate debts and legal liabilities and after the return of assets held on condition requiring return, transfer or conveyance in accordance with such requirements, shall be distributed to and for the use of such organization or organizations selected by the Board of Directors which at the time of dissolution are organized or operated exclusively for charitable, religious and/or educational purposes and which have established tax exempt status under Section 501(c)(3) of the Code. The provisions of this Article Eight are included herein in order to provide for the distribution of assets of the Corporation upon dissolution in substitution for the provisions of Section 22.304 of the Texas Business Organizations Code.

## ARTICLE IX

The Board of Directors shall consist of not less than four (4) nor more than eleven (11) members. The Board of Directors shall have such voting rights, powers, and other rights as provided in the Bylaws of the Corporation. Procedures for appointment, increase and decrease in the number of Directors or varying or adding to the qualifications shall be as set forth in the Bylaws of the Corporation, but there shall never be less than three (3) Directors in number.

## ARTICLE X

No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to any member, Director, officer or other private person, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and goods delivered to the Corporation, to make payments and distributions in furtherance of the purposes set forth in Article IV hereof, and the Corporation may, to the extent permitted by federal and state law applicable to the Corporation as a result of its being exempt from federal or state taxation, make donations to other charitable organizations. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office

## ARTICLE XI

The Corporation shall indemnify and advance expenses to any persons who are named in any lawsuits or other proceedings as a result of their service to the Corporation as Directors or officers to the fullest extent permitted by the Bylaws of the Corporation and the laws of the State of Texas as such laws may now or hereafter exist. Any repeal or amendment of this Article shall operate prospectively only and shall not adversely affect any right to receive indemnification which then exists as a result hereof.

## ARTICLE XII

A Director shall not be liable to the Corporation for monetary damages for an act or omission in the Director's capacity as a Director, except to the extent otherwise required by the statutes of the State of Texas and except as may be set forth in the Corporation's Bylaws. If any statute of the State of Texas hereafter is amended to authorize the further elimination or limitation of the liability of Directors of the Corporation, then the liability of a Director of the Corporation shall be limited to the fullest extent permitted by the statutes of the State of Texas, as so amended, and such elimination or limitation of liability shall be in addition to, and not in lieu of, the limitation on the liability of a Director of the Corporation provided by the foregoing provisions of this Article XII. Any repeal of or amendment to this Article XII shall be prospective only and shall not adversely affect any limitation on the liability of a Director of the Corporation existing at the time of such repeal or amendment.

## ARTICLE XIII

The power to alter, amend or repeal these Articles shall be vested in the Board of Directors of the Corporation, in the manner set forth in the Bylaws.

## ARTICLE IV

This document becomes effective when the document is filed by the secretary of state.

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

[SIGNATURE PAGE TO FOLLOW]

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

IN WITNESS WHEREOF, the undersigned has executed this Amended and Restated Certificate of Formation this 9 day of June 2023.

CREATE HEALTHY MANAGEMENT,  
a Texas nonprofit corporation

By: Jenny Wier  
Printed Name: Jenny Wier  
Its: Chairman

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Filed 9/30/2024 4:25 PM  
Jane Nelson Jan Davis  
Secretary of State District Clerk  
Gillespie County, Texas  
By Elaine Stewart

## Office of the Secretary of State

June 17, 2023

Attn: REED CLAYMON MEEKER KRIENKE SPURCK PLLC  
Reed, Claymon, Meeker, Krienke & Spurck, PLLC  
5608 Parkcrest Drive, Suite 200  
Austin, TX 78731 USA

----  
RE: Create Healthy Management  
File Number: 22997201

It has been our pleasure to file the Restated Certificate of Formation for the referenced entity. Enclosed is the certificate evidencing filing. Payment of the filing fee is acknowledged by this letter.

If we may be of further service at any time, please let us know.

Sincerely,

Corporations Section  
Business & Public Filings Division  
(512) 463-5555

Enclosure

*Come visit us on the internet at <https://www.sos.texas.gov/>*

Phone: (512) 463-5555  
Prepared by: Elizabeth "Annie" Denton

Fax: (512) 463-5709  
TID: 10323

Dial: 7-1-1 for Relay Services  
Document: 1255486310002

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

**EXHIBIT B**

**AMENDED AND RESTATED CERTIFICATE OF FORMATION  
OF CREATE HEALTHY FOUNDATION  
fka THE HILL COUNTY MEMORIAL FOUNDATION, INC.**

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Filed 9/30/2024 4:25 PM  
Jane Nelson Jan Davis  
Secretary of State District Clerk  
Gillespie County, Texas  
By Elaine Stewart

## Office of the Secretary of State

### CERTIFICATE OF FILING OF

Create Healthy Foundation  
113131201

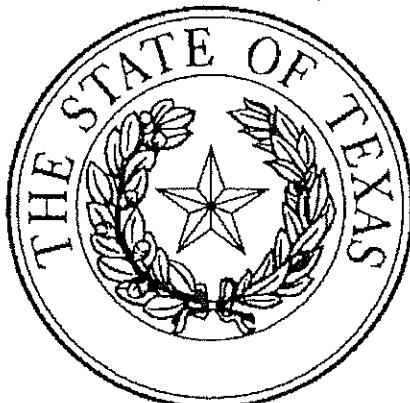
[formerly: THE HILL COUNTRY MEMORIAL HOSPITAL FOUNDATION, INC.]

The undersigned, as Secretary of State of Texas, hereby certifies that a Restated Certificate of Formation for the above named domestic nonprofit corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 06/09/2023

Effective: 06/09/2023



A handwritten signature of Jane Nelson.

Jane Nelson  
Secretary of State

Come visit us on the internet at <https://www.sos.texas.gov/>

Phone: (512) 463-5555  
Prepared by: Elizabeth "Annie" Denton

Fax: (512) 463-5709  
TID: 10313

Dial: 7-1-1 for Relay Services  
Document: 1255486310003

**AMENDED AND RESTATED CERTIFICATE OF FORMATION  
(WITH NEW AMENDMENTS)  
OF  
THE HILL COUNTRY MEMORIAL FOUNDATION, INC.**

The Hill Country Memorial Foundation, Inc., a Texas nonprofit corporation (the “Corporation”), by and through the undersigned authorized officer, adopts the following in accordance with Sections 3.057 through 3.059 of the Texas Business Organizations Code (the “TBOC”):

1. The name of the filing entity is The Hill Country Memorial Foundation, Inc., a Texas non-profit corporation.
2. The Corporation was formed as a nonprofit corporation on October 27, 1989 and issued file number 113131201 by the Secretary of State of the State of Texas (the “Secretary of State”).
3. This document amends and restates the entire Certificate of Formation of the Corporation, referred to herein as the “Certificate of Formation,” and as further amended as set forth herein.
4. The full text of each added or amended provision of the Certificate of Formation is contained in the Amended and Restated Certificate of Formation attached hereto as Exhibit A.
5. Each new amendment to the Certificate of Formation effected by this document has been made in accordance with the provisions of the TBOC. The amendments have been approved in the manner required by the TBOC and by the governing documents of the Corporation.
6. The Amended and Restated Certificate of Formation, which is attached to this document, accurately states the text of the Certificate of Formation and each amendment to the Certificate of Formation that is in effect, and as further amended by this document. The attached Amended and Restated Certificate of Formation does not contain any other change in the Certificate of Formation except for the information permitted to be omitted by the provisions of the TBOC applicable to the Corporation. The Certificate of Formation of the Corporation and all amendments and supplements thereto are hereby superseded by the Amended and Restated Certificate of Formation attached hereto.
7. This document becomes effective when the document is filed by the secretary of state.

*[remainder of page intentionally left blank]*

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

The undersigned affirms that the person designated as registered agent in the Amended and Restated Certificate of Formation has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the Corporation to execute this document.

Date: June 9, 2023.

THE HILL COUNTRY MEMORIAL  
FOUNDATION, INC., a Texas nonprofit  
corporation

By: Jenny W. W. W.  
Printed Name: Jenny W. W. W.  
Its: Chairman

## EXHIBIT A

### AMENDED AND RESTATED CERTIFICATE OF FORMATION OF THE HILL COUNTRY MEMORIAL FOUNDATION, INC.

#### ARTICLE I

The name of the Corporation is: Create Healthy Foundation (the "Corporation").

#### ARTICLE II

The Corporation is a nonprofit corporation.

#### ARTICLE III

The period of duration of the Corporation shall be perpetual.

#### ARTICLE IV

The purpose or purposes for which the Corporation is organized are:

The Corporation is organized and shall be operated exclusively for charitable, scientific and educational purposes. More specifically, the Corporation is organized and shall be operated exclusively as an exempt supporting organization for the benefit of Create Healthy Management, a Texas nonprofit corporation and any of its related nonprofit entities of Fredericksburg, Texas under Section 509(a)(3) of the Internal Revenue Code of 1986 and its regulations as they now exist or as they may hereafter be amended. The Corporation is further organized and shall be operated to carry on all or any of the following purposes: (a) to deliver and promote improved health care through the support of healthcare programs and facilities in its service area of Gillespie County and the surrounding communities; (b) to develop, maintain and make available healthcare education and other health resources in its service area; (c) to enhance access to healthcare, with particular concern for those least served; (d) to provide such services and programs free from discrimination on the basis of race, color, creed, national origin, or sex (including gender identity and sexual orientation); (e) to invest its assets to generate income to carry out its charitable purposes; (f) to undertake any other actions in furtherance of or incident to the above purposes; and (g) to take any other actions as may be permitted under the Texas Nonprofit Corporation Law and the Texas Business Organization Code to the extent as applicable, as now or hereafter in effect.

The Corporation may receive and maintain a fund or funds of real and personal property, or both, and subject to the restrictions and limitations hereinafter set forth, shall use and supply the whole or any part of the income and the principal thereof exclusively for the purpose of improving the services of Create Healthy Management through modernizing, expanding and/or improving the facilities, equipment and services of Create Healthy Management.

No part of the net earnings or assets of the Corporation shall inure to the benefit of any director of the Corporation, officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation affecting one or more of its purposes) and no director or officer of the Corporation, or any private individual

shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of this Certificate of Formation, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

Notwithstanding any of the above statements of purposes and powers, this Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purposes of this Corporation.

This Corporation is organized pursuant to the Texas Business Organization Code and does not contemplate pecuniary gain or profit to the members thereof and is organized for non-profit purposes.

If at any time the Corporation fails to meet the requirements of the Internal Revenue Code and/or this Certificate of Formation conflict with the Texas or Federal Statutes or common law, the Board of Directors shall amend this Certificate of Formation and/or Bylaws and the operations of the Corporation to conform with said requirements, statutes or laws.

## ARTICLE V

The street address of the Corporation's registered agent is 200 West Windcrest, Fredericksburg, Texas 78624, and the name of the registered agent at such address is Jayne Pope.

## ARTICLE VI

The Corporation shall have no members.

## ARTICLE VII

Except as otherwise provided herein these and in the Bylaws of the Corporation, the day-to-day operation and financial management of the affairs of the Corporation shall be vested in a Board of Directors.

## ARTICLE VIII

Upon dissolution of the Corporation, or upon the winding up of its affairs, the assets of the Corporation shall be distributed to and for the use of Create Healthy Management, if it is then in existence and exempt from taxation under Section 501(c)(3) of the Internal Revenue Code or if it

is not then in existence and exempt from taxation, then to any charitable, religious, or educational organization(s) that would then qualify under the Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended selected by the Board of Directors. Any such assets not so distributed shall be distributed by the District Court in the County in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations as said District Court shall determine, which are organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of Internal Revenue Code of 1986 and its regulations as they now exist or as they may hereafter be amended.

## ARTICLE IX

The Board of Directors shall consist of not less than four (4) nor more than eleven (11) members. The Board of Directors shall have such voting rights, powers, and other rights as provided in the Bylaws of the Corporation. Procedures for appointment, increase and decrease in the number of Directors or varying or adding to the qualifications shall be as set forth in the Bylaws of the Corporation.

## ARTICLE X

A Director shall not be liable to the Corporation for monetary damages for an act or omission in the Director's capacity as Director except that this Article does not eliminate or limit the liability of a Director for: (1) a breach of a Director's duty of loyalty to the Corporation; (2) an act or omission not in good faith or that involves intentional misconduct or a knowing violation of the law; (3) a transaction from which a Director received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the Director's office; or (4) an act or omission for which the liability of a Director is expressly provided for by statute. The Board of Directors shall have the power to define the requirements and limitations for the Corporation to indemnify Directors to the extent that those requirements and limitations do not conflict with this Article and the statutes of the State of Texas.

## ARTICLE XI

The power to alter, amend or repeal these Articles shall be vested in the Board of Directors of the Corporation, in the manner set forth in the Bylaws.

## ARTICLE XII

This document becomes effective when the document is filed by the secretary of state.

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

[SIGNATURE PAGE TO FOLLOW]

Filed 9/30/2024 4:25 PM  
Jan Davis  
District Clerk  
Gillespie County, Texas  
By Elaine Stewart

IN WITNESS WHEREOF, the undersigned has executed this Amended and Restated Certificate of Formation this 9 day of June 2023.

CREATE HEALTHY FOUNDATION,  
a Texas nonprofit corporation

By: Jerry Wieser  
Printed Name: Jerry Wieser  
Its: Chairman

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



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Jane Nelson Jan Davis  
Secretary of State District Clerk  
Gillespie County, Texas  
By Elaine Stewart

## Office of the Secretary of State

June 17, 2023

Attn: REED CLAYMON MEEKER KRIENKE SPURCK PLLC

Reed, Claymon, Meeker, Krienke & Spurck, PLLC  
5608 Parkcrest Drive, Suite 200  
Austin, TX 78731 USA

----  
RE: Create Healthy Foundation  
File Number: 113131201

It has been our pleasure to file the Restated Certificate of Formation for the referenced entity. Enclosed is the certificate evidencing filing. Payment of the filing fee is acknowledged by this letter.

If we may be of further service at any time, please let us know.

Sincerely,

Corporations Section  
Business & Public Filings Division  
(512) 463-5555

Enclosure

*Come visit us on the internet at <https://www.sos.texas.gov/>*

Phone: (512) 463-5555

Prepared by: Elizabeth "Annie" Denton

Fax: (512) 463-5709

TID: 10323

Dial: 7-1-1 for Relay Services

Document: 1255486310003

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 District Clerk  
 Gillespie County, Texas  
 By Elaine Stewart

## EXHIBIT C

## REQUESTED MODIFICATION OF RESTRICTED DONATIONS

\* Balances as of July 31, 2024

Name of Fund	Current Amount	Restriction Stated in Donation Document	Requested Modification of Restriction	Donor Intent Maintained
1- Schwindt Fund	\$13,556,729	Devise and bequeath the rest and residue of my estate in four equal shares to be distributed to my Remainderman Beneficiaries as follows: (a) One share to the Hill Country Memorial Hospital Foundation of Fredericksburg, Texas with the corpus of this devise to be held, maintained, and administered as a perpetual fund and the income generated therefrom to be used exclusively for expenditures of a capital nature benefiting non-profit health and wellness organizations and providers in Gillespie County and the surrounding communities or for the purchase of health and wellness related equipment but shall not be expended for operating purposes.	The corpus of this devise to be held, maintained, and administered as a perpetual fund and the income generated therefrom to be used exclusively for expenditures of a capital nature benefiting non-profit health and wellness organizations and providers in Gillespie County and the surrounding communities or for the purchase of health and wellness related equipment but shall not be expended for operating purposes.	<u>Donor Intent:</u> Funds to be used exclusively for capital expenditures benefitting Hill Country Memorial Hospital or for purchase of equipment of the hospital but not for operating purposes.  <u>Intent Preserved:</u> Funds to be used exclusively for capital expenditures benefiting health and wellness in the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities) or for purchase of healthcare related equipment but not for operating expenses.
2- Hartwein Fund	\$1,845,818	10% shall be distributed to the Hill Country Memorial Hospital Foundation. Distributions from this fund shall be limited to interest and dividends accrued, not principal. These funds are restricted to the Endowment Fund for specific use of capital goods acquisition, machinery, buildings, equipment or other permanent improvements to HCMH and these funds may not be used for the purposes of general day operations.	Distributions from this fund shall be limited to interest and dividends accrued, not principal. These funds are restricted to the Endowment Fund for specific use of capital goods acquisition, machinery, buildings, equipment or other permanent improvements for health and wellness organizations in Gillespie County and the surrounding communities and these funds may not be used for the purposes of general day operations.	<u>Donor Intent:</u> Funds to be used for capital goods acquisition, machinery, buildings, equipment or other permanent improvements to Hill Country Memorial Hospital but not for general operations.  <u>Intent Preserved:</u> Funds to be used for capital goods acquisition, machinery, buildings, equipment or other permanent improvements for health and wellness organizations in the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities) but not for general operating expenses.

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Name of Fund	Current Amount	Restriction Stated in Donation Document	Requested Modification of Restriction	Donor Intent Maintained
3- Holden Scholarship and Stipend	\$464,042	<p>The corpus of this fund shall be perpetual. Funds from the scholarships would be used for education of hospital employees who were interested in furthering their education and working for the hospital at the same time. These scholarships could include anyone seeking further education; whether it be as nurse aids, LVN scholarships, or other purposes.</p> <p>2009 modification: The fund is to remain in perpetuity and earnings shall be used for stipends and scholarships for employees in the Registered Nursing Program at Hill Country Memorial Hospital who are in the final clinical rotation portion of their education. Should the RN Stipend Program cease to exist, the funds will revert to their original purpose.</p>	<p>The corpus of this fund shall be perpetual. Earnings from this fund shall be used to provide educational opportunities for residents of Gillespie County and the surrounding communities who are seeking further education as a certified nurse assistant, LVN, RN, or allied health technician and who are currently working for a healthcare provider in Gillespie County or the surrounding communities. The funding could be in the form of scholarships, stipends, certifications, continuing education, or similar uses.</p>	<p><u>Donor Intent:</u> Funds to be used for education of employees of Hill Country Memorial Hospital, specifically for employees participating in the Hill Country Memorial Hospital RN Stipend Program.</p> <p><u>Intent Preserved:</u> Funds to be used to further education of residents of the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities) in healthcare professions, with an emphasis on nursing education.</p>
4- MacQueen Scholarship	\$360,646	<p>The documentation that exists is a Special Warranty Deed granting Hill Country Memorial Hospital Foundation ownership of the MacQueen property at 709 North Orange Street in Fredericksburg, Texas. Additional documentation names Ronald Woellhof as Attorney-in-Fact for John MacQueen. There is no documentation that the fund is to be endowed and used for scholarships. The fund has been used in a manner similar to that of the Holden Scholarship and Stipend since it was established in 1999.</p>	<p>The corpus of this fund shall be perpetual. Earnings from this fund shall be used to provide educational opportunities for residents of Gillespie County and the surrounding communities who are seeking further education as a certified nurse assistant, LVN, RN, or allied health technician and who are currently working for a healthcare provider in Gillespie County or the surrounding communities. The funding could be in the form of scholarships, stipends, certifications, continuing education, or similar uses.</p>	<p><u>Donor Intent:</u> Funds to be used for education of nursing employees of Hill Country Memorial Hospital.</p> <p><u>Intent Preserved:</u> Funds to be used to further education of residents of the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities) in nursing professions. Funds can be used for those who seek to get the following education: CNA, LVN, RN, BSN, MSN, or other nurse-related continuing education</p>
5- Frantzen-Rinker Scholarship and Stipend	\$161,077	<p>The corpus shall remain intact. Corpus is defined as the book value of the initial contribution made by the donors. All income shall be distributed on an annual basis. The fund shall finance a</p>	<p>Same modification as Holden Scholarship and Stipend.</p>	See Holden Scholarship and Stipend.

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 Gillespie County, Texas  
 By Elaine Stewart

Name of Fund	Current Amount	Restriction Stated in Donation Document	Requested Modification of Restriction	Donor Intent Maintained
		<p>scholarship (or scholarships, not to exceed 2 annually) available to persons pursuing a career as an LVN or RN. Applicants may either be (1) currently enrolled in an accredited LVN or RN program or (2) enrolled in the prerequisite classes required to enter an accredited LVN or RN program.</p> <p>Applicants must be employed by the hospital both at the time a scholarship application is submitted and at the time any scholarship fund are distributed from the fund to the applicant.</p> <p>Preference shall be given to applicants residing in Gillespie County; however, applicants will be accepted from residents of the hospital's current primary service area. In the event the hospital shall ever cease to exist or cease to be a not-for-profit entity, the fund shall be distributed to various not-for-profit organizations located in Gillespie County, Texas that provide health care services, as selected by the hospital.</p> <p>In 2016, the Frantzen-Rinker Scholarship was clarified to be used to provide stipends to newly graduated RNs who are employees of Hill Country Memorial Hospital.</p>		Gillespie County, Texas By Elaine Stewart
6- Ransleben Scholarship and Stipend	\$60,546	<p>The check established an endowed gift. The annual income to be available for funding of the ACLS seminars would be equal to the annual income generated by the endowed fund rounded down the next lower \$100. The difference between the total income earned and the income available for funding would be added to the principal of the</p>	<p>ACLS certification is no longer required for Wellness Center staff.</p> <p>The fund shall remain endowed and the annual income should be used fund the cost of continuing education for Wellness Center staff with an emphasis on cardiac safety, CPR, health and wellness, or other similar training at the Wellness Center for staff and</p>	<p><b>Donor Intent:</b> Funds to be used for Advanced Cardiovascular Life Support (ACLS) training for Wellness Center staff, with leftover funds to be used for ACLS training for the Hospital's cardiac catheterization lab and Intensive Care Unit (ICU) staff. If designated staff are no longer required to maintain ACLS certification, funds to be used to support an</p>

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 Jan Davis  
 District Clerk  
 Gillespie County, Texas  
 By Elaine Stewart

Name of Fund	Current Amount	Restriction Stated in Donation Document	Requested Modification of Restriction	Donor Intent Maintained
		endowment each year. Use the available annual income from the endowment to fund the cost of wellness staff members who are required to take the ACLS courses every two years. The money is to be used for their book cost and cost of registration. If there is available annual income left over after paying for the wellness staff, then the next group to be funded would be the cardiac catheterization lab members in the same manner. If there is even more money left over, then the ICU members would be funded in a like manner. The selection of members to be funded would be left to the discretion of the CEO of the hospital. In the event the designated staff is no longer required to maintain ACLS certification, it is our desire that the income from the endowment be used to support an area of service of the Wellness Center that is closely related as possible to the original purpose.	community. The money should be used for book/supply costs, registration costs, and any other cost associated with the education.	Gillespie County, Texas By Elaine Stewart  <u>Intent Preserved:</u> Funds to be used for continuing education for Wellness Center staff with an emphasis on cardiac safety, CPR, health and wellness, or other similar training at the Wellness Center for staff and community.
7- Kott Endowment Fund	\$306,475	There is no record of a signed gift agreement for the Kott Endowment Fund. There is documentation of conversation and the details of how the fund should be used based on that conversation:  The fund shall be held at Hill Country Memorial Hospital Foundation. The corpus of this fund, all contributions to this fund, and capital appreciation shall be held in perpetuity at the foundation and may not be distributed. The interest and dividends generated from this fund shall be distributed as needed to the hospital provided it does not invade the	The fund shall be held at Create Healthy Foundation. The corpus of this fund, all contributions to this fund, and capital appreciation shall be held in perpetuity at the foundation and may not be distributed. The interest and dividends generated from this fund shall be distributed as needed provided it does not invade the corpus. Any portion of the annual distributable funds not distributed in any given year may be retained in the Kott Fund for expenditure in future years.  The interest and dividends shall be used to provide public education, training, and/or equipment for health and wellness related activities and entities in the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities) with special consideration to	<u>Donor Intent:</u> Funds to be used to provide education, training, and/or equipment for the Emergency Department of Hill Country Memorial Hospital, its staff, physicians and patients with special consideration to programs and equipment that focus on stroke prevention, awareness and protocols and on organ donation.  <u>Intent Preserved:</u> Funds to be used to provide public education, training, and/or equipment for health and wellness related activities and entities in the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities) with special consideration to

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District Clerk

Gillespie County, Texas

By Elaine Stewart

Name of Fund	Current Amount	Restriction Stated in Donation Document	Requested Modification of Restriction	Donor Intent Maintained
		<p>corpus. Any portion of the annual distributable funds not distributed in any given year may be retained in the Kott Fund for expenditure in future years.</p> <p>The interest and dividends shall be used to provide education, training, and/or equipment for the hospital's Emergency Department, its staff, physicians, and patients. Special consideration should be given to programs and equipment that focus on stroke prevention, awareness, and protocols, and organ donation.</p>	<p>and the surrounding communities. Special consideration should be given to programs and equipment that focus on stroke prevention, awareness, and protocols, and organ donation.</p>	<p>programs and equipment that focus on stroke prevention, awareness, and protocols, and organ donation.</p>
8- Teddy Bear Endowment Fund	\$118,304	<p>Original gift was made September 20, 2000. The original files associated with the gift are missing. Since the original gift, the original donation has been endowed and it, along with additional gifts to the fund, have been held in perpetuity. The earnings from the fund are used to have hand-made teddy bears crafted and gifted to pediatric patients at Hill Country Memorial Hospital.</p>	<p>The original donation, along with additional gifts to the fund, are to be endowed and held in perpetuity. The earnings from the fund are used to have hand-made teddy bears crafted and gifted to pediatric patients in Gillespie County and the surrounding communities.</p>	<p><u>Donor Intent:</u> Funds to be used to have teddy bears made and given to pediatric patients at Hill Country Memorial Hospital.</p> <p><u>Intent Preserved:</u> Funds to be used to have teddy bears made and given to pediatric patients in the area previously served by Hill Country Memorial Hospital (i.e., Gillespie County and the surrounding communities).</p>
9- Rochs Capital Fund	\$345,404.69	<p>This gift was made pursuant to a will and included an annuity which was for the restricted use of paying for capital improvements in Gillespie County only and the residue of the estate to be used for the paying of land acquisition or the construction of new buildings, not to include refurbishment of existing structures in Gillespie County only. The land funds from the residue have been depleted. The annuity fund is still in existence.</p>	<p>The fund to be used exclusively for expenditures of a capital nature benefiting non-profit health and wellness organizations and providers in Gillespie County only or for the purchase of land acquisition or construction of new buildings.</p>	<p><u>Donor Intent:</u> Funds to be used for capital improvements, land acquisition or construction of new buildings in Gillespie County, only.</p> <p><u>Intent Preserved:</u> Funds to be used for capital improvements in Gillespie County benefiting non-profit health and wellness organizations in Gillespie County, only.</p>

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Name of Fund	Current Amount	Restriction Stated in Donation Document	Requested Modification of Restriction	Donor Intent Maintained Gillespie County, Texas By Elaine Stewart
10- Pat Reese Living Trust	\$222,872.90	This gift was intended to be the Hill Country Memorial Hospital Foundation to be used for projects and programs of the Hill Country Memorial Hospital Volunteers.  The Executor of the estate requested that this fund be used for workforce development in the Hill Country.	Funds should be used in a manner that develops the workforce in the Create Healthy service area. This includes certifications and education for Create Healthy team as well as local first responders and health care workers.	<u>Donor Intent</u> : Funds to be used for projects and programs relating to volunteers for Hill Country Memorial Hospital.  <u>Intent Preserved</u> : Executor of the estate requested that the fund be used for workforce development in the Hill Country.

As used herein "health" is the state of complete physical, mental, and social well-being, including, but not limited to the absence of disease, or infirmity and "wellness" is an active process through which people become aware of, and make positive choices that influence overall health. As used in this request, Create Healthy requests the Court grant it the discretion to use funds in its own initiative or in support of other local charitable organizations in furtherance of health and wellness through public education, support for the education of health professionals listed below, the purchase of equipment or services, or the construction or renovation of health and wellness related facilities.

The phrase "health and wellness" includes education or other charitable support of the following health and wellness professions:

- Physician (MD or DO)
- Certified Registered Nurse Anesthetist
- Registered Respiratory Therapist
- Anesthesiologist Assistant
- Physician Assistant
- Cardiovascular Technologist
- Nurse Practitioner
- Nurse Midwife
- Nurse
- Clinical Nurse Aide
- Respiratory Therapist
- Dentist
- Dental Hygienist
- Dental Assistant
- Dental Technician
- Dietitian
- Emergency Medical Technician
- Paramedic
- Genetic Counselor
- Occupational Therapist
- Medical Laboratory Technician
- Phlebotomist
- Dialysis Technician
- Occupational Therapist
- Speech Language Pathologist
- Audiologist
- Neuropsychologist
- Radiation Therapist
- Optometrist
- Healthcare Chaplain
- Respiratory Therapist
- Pharmacist
- Pharmacy technician
- Podiatrist
- Psychologist
- Social Worker
- Mental Health Counselor
- Public Health and Preventive Medicine

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- Environmental Health Officer
- Epidemiologist
- Sport Psychologist
- Physical Therapist
- Occupational Therapist
- Physical Therapy Assistant
- Occupational Therapy Assistant
- Orthopedic Technologist or Prosthetist & Orthotist
- Chiropractor
- Biokinesiologist
- Athletic Trainer
- Massage Therapist
- Radiotherapist, also known as a Radiation Therapist or Therapeutic Radiographer
- Radiographer, also known as a Radiologic Technologist
- CT Radiographer
- Interventional Radiographer
- Mammographer
- Neuroradiographic
- Medical Dosimetry Technologist
- Radiologist Practitioner Assistant
- Reporting Radiographer
- Sonographer
- Midwife
- Doula
- Lactation consultant
- Health/Wellness Coach
- Acupuncturist
- Personal Trainer/Fitness Instructor
- Dietitian
- Clinical Nutritionist

## EXHIBIT D

## LIST OF UNRESTRICTED DONATIONS

\* Balances as of July 31, 2024

Name of Fund	Current Amount	Description
11 - Board Designated Endowment Fund	\$7,582,751	This fund consists of donations given to Hill Country Memorial Hospital or the Foundation with no restriction by the donor and designated for long term investment by the Hospital Board. They are unrestricted for purpose, and they are not donor endowed.
12- Krochman Board Designated Endowment Fund	\$7,608,130	This fund consists of donations given to Hill Country Memorial Hospital and assigned to be held by the Foundation with no restriction by the donor and designated for long term investment by the Hospital and Foundation Boards. They are unrestricted for purpose, and they are not donor endowed.
13 - Holden Endowment Fund	\$2,870,395	This fund consists of a donation to the Foundation as a permanent endowment with no restrictions regarding use of the funds for a specific purpose.
14 - General Permanent Endowment	\$1,479,650	This fund is a permanently restricted fund created by the Foundation Board in 2008. The fund receives and holds all designated endowment gifts made to the Foundation from bequests, gift annuities, insurance policies, trusts, or other planned or deferred arrangements, as well as specific cash gifts, other than donor designated gifts made to named endowment funds. The funds are unrestricted as to purpose.
15 - Parham Fund	\$1,065,000	This fund consists of a donation to the Foundation with half of the donation to be allocated to the Endowment Fund and the remaining half to be

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Name of Fund	Current Amount	Description
		allocated to the Greatest Need Development Fund with no restrictions regarding use of the funds for a specific purpose.
16- Jukes Endowment	\$315,106	This fund consists of a donation of real and personal property to the Endowment Fund with no restrictions regarding use of the funds for a specific purpose.
17 - General Unrestricted Fund	\$1,184,520	This fund consists of gifts made with no designation indicated by the donor or given specifically for Greatest Need, unrestricted, or development.

**Automated Certificate of eService**

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Lisa Lang on behalf of Norman Williams

Bar No. 24056536

llang@langleybanack.com

Envelope ID: 92618592

Filing Code Description: Petition

Filing Description: Original Petition for Modification of Restrictions on Purpose of Institutional Funds

Status as of 10/1/2024 8:08 AM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Norman Taylor Williams		twilliams@langleybanack.com	9/30/2024 4:25:25 PM	SENT
Ryan Finnegan		rfinnegan@langleybanack.com	9/30/2024 4:25:25 PM	SENT
Kevin Reed		kreed@reedclaymon.com	9/30/2024 4:25:25 PM	SENT
Jennifer B. Claymon		jclaymon@reedclaymon.com	9/30/2024 4:25:25 PM	SENT
Lisa Lang		llang@langleybanack.com	9/30/2024 4:25:25 PM	SENT